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MEMO ENDORSED

January 11, 2024

USDC SDNY
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DATE FILED: 1/12/2024

VIA ECF

Hon. Valerie Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
Courtroom 443
New York, New York 10007

Re: Kevin Yan Luis v. Vena Wellness, LLC, Case No. 1:23-cv-08290
Request for Adjournment of Initial Pretrial Conference and Extension of Time to
Answer Complaint

Dear Honorable Caproni:

Pursuant to Individual Practice Rules 2.A and C, Defendant Vena Wellness, LLC requests an adjournment of Initial Pretrial Conference, currently scheduled for January 19, 2024 at 10:00 a.m., to March 1, 2024 or any other available later date.

This is the first request for an adjournment. Counsel for Defendant sought Plaintiff's concurrence in the relief requested, and counsel for Plaintiff has provided such concurrence.

Defendant requests this extension because it has just recently been made aware of the pending litigation against it and has not had the opportunity to fully review the Complaint, conduct a meet and confer with Plaintiff's counsel, assess the merits of the allegations of the Complaint, and consider early resolution options. Upon learning of the existence of the litigation, Defendant obtained a copy of the Complaint and the Notice of Initial Pretrial Conference For Cases Filed Under the Americans With Disabilities Act (Doc. 5) from the Court's docket on Pacer. Per the Notice, the Initial Pretrial Conference is scheduled for January 19, 2024 and the parties are to submit a joint civil case management plan and scheduling order on January 11, 2024 with the parties having conducted a meet and confer previously.

Because Defendant just recently became aware of the lawsuit, it has not had the opportunity to conduct the meet and confer and otherwise communicate with Plaintiff's counsel to address the matters identified in the Notice. Defendant respectfully requests the adjournment until March 1, 2024 (or any other available later date) so it can meet with Plaintiff's counsel to comply with the

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Notice as well as pursue early resolution discussions, and if settlement reaches an impasse, secure local counsel. In requesting the adjournment, Defendant also respectfully asks that its time to move against or answer the Complaint continue to be stayed until the adjourned Initial Pretrial Conference and that Defendant has until fourteen (14) days following the Initial Pretrial Conference to answer or move against the Complaint.

Summary of Individual Practice Rule 2.C

1. The reason for the proposed adjournment or extension: Defendant was not aware of the Complaint until recently and has not had the opportunity to assess the merits, pursue early resolution discussions, and conduct a meet and confer with Plaintiff. If early settlement is unavailing, Defendant will need to locate and secure local legal representation.
2. The original due date:
 - a. Initial Pretrial Conference – January 19, 2024 at 10:00 a.m.
 - b. Joint Letter/Civil Case Management Plan – January 11, 2024
 - c. Meet & Confer – December 30, 2023
 - d. Answer/Motion Against Complaint – stayed until January 19, 2024
3. Number of previous requests for adjournment or extension of time: There have been no previous requests for adjournment or extension of time.
4. Whether the other party consents. Counsel for Plaintiff consents to the requested adjournment.
5. Proposed alternative dates:
 - a. Initial Pretrial Conference – March 1, 2024
 - b. Joint Letter/Civil Case Management Plan – February 22, 2024
 - c. Meet & Confer – no later than February 9, 2024
 - d. Answer/Motion Against Complaint: March 15, 2024

Thank you for your consideration.

DICKINSON WRIGHT PLLC

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Sincerely,



David Becker

DB:
cc: Counsel of Record via ECF

Application GRANTED in part. The initial pretrial conference currently scheduled for **January 19, 2024** is adjourned to **March 1, 2024** at **10:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The parties' joint letter must be filed no later than **February 22, 2024**. For the required contents of the joint letter, the parties are directed to Dkt. 5. Defendant's time to respond to the Complaint remains stayed to **March 1, 2024**.

SO ORDERED.



1/12/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE